



Town of Groton, Connecticut

Meeting Minutes - Draft

Town Council

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager
(860)441-6630

Mayor Harry A. Watson, Councilors Heather Sherman Bond, Kathryn M. Brown-Tracy, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, Paulann H. Sheets, and James L. Streeter

Tuesday, December 2, 2008

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:31 p.m. by Mayor Harry Watson.

Members Present: Mayor Watson, Councilor Bond, Councilor Brown-Tracy, Councilor Kolnaski, Councilor Monteiro, Councilor Schmidt, Councilor Sheets and Councilor Streeter

Members Absent: Councilor O'Beirne, Jr.

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, Town Clerk Barbara Tarbox, and Office Assistant Lori Watrous.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Sally Whitney.

III. RECOGNITION, AWARDS & MEMORIALS

None.

Recess for Public Hearing

Mayor Watson called a recess for the Public Hearing at 7:33 p.m.

2008-0297 Public Hearing on an Ordinance on Property Tax Relief

PUBLIC HEARING ON AN ORDINANCE ON PROPERTY TAX RELIEF FOR HOMEOWNERS AGE SIXTY-FIVE OR OVER OR PERMANENTLY AND TOTALLY DISABLED

Sec. 14.5-10. Property Tax Relief for Homeowners Age Sixty-Five or Over or Permanently and Totally Disabled.

(a) Established. The Town of Groton hereby enacts a program of tax relief with optional supplemental tax deferral for the elderly and disabled pursuant to C.G.S. § 12-129n for eligible residents of the town on the terms and conditions provided herein.

(b) Definitions. The following words, terms and phrases, when used in this subdivision, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Adjusted gross income" means the adjusted gross income as defined by the U.S. Internal Revenue Code.

"Applicant" means an individual who applies for property tax relief under this section. This term should be interpreted, where appropriate, as including a married couple applying jointly for relief under this ordinance.

"Cut-off date" means December 31 of the year preceding application for real property tax relief under this section.

"Ordinance beneficiary" means an applicant who has qualified for and received tax relief under this ordinance for any given tax year.

"Principal residence" means a dwelling in which an individual resides for at least one-hundred eighty-four (184) days during the calendar year in question.

"Qualified property" means real property for which an applicant has applied for and received tax relief under this ordinance.

"Qualifying income" means adjusted gross income of the applicant, less the amount of federally qualified deductible medical expenses. Adjusted gross income shall have the meaning as defined in the Internal Revenue Code of 1954, as amended, plus tax exempt interest as defined in Section 103 of the Internal Revenue Code of 1954, as amended, plus dividend exclusions as set forth in Section 116 of the Internal Revenue Code of 1954, as amended, plus social security benefits, railroad retirement benefits or income from other tax exempt retirement and annuity sources, plus any other income not included in the above classifications.

"Taxpayer" means a person obligated to pay real property taxes to the Town of Groton. This term should be interpreted, where appropriate, as including a married couple jointly responsible for the payment of real property taxes to the Town of Groton.

"Terminating transfer" means a sale or conveyance of qualified property with the result that the ordinance beneficiary no longer owns the property nor retains the obligation under C.G.S. § 12-48 to pay real property taxes on the property. Terminating transfers shall include without limitation probate distributions of qualified property to someone other than a qualified spouse. The date of a terminating transfer shall be the date the instrument of sale or conveyance, including probate distribution, is recorded or fourteen (14) days from the instrument's execution, whichever is earlier.

(c) Eligibility. Any person who owns real property in the Town of Groton or who is liable for the payment of taxes thereon under Section 12-48 of the Connecticut General Statutes and occupies that property as his or her principal residence shall be eligible for real property tax deferral, provided that all of the following conditions are met:

(1) Age or Disability. Such applicant is:

(A) sixty-five (65) years of age or over at the cut-off date, or his or her spouse, residing with said applicant, is sixty-five (65) years of age or over at the cut-off date; or

(B) sixty (60) years of age or over at the cut-off date and the surviving spouse of a taxpayer who was qualified in Groton under this section at the time of his or her death; or

(C) under age sixty-five or has a spouse, living with him or her, under age sixty five and either is eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or has not been engaged in employment covered by Social Security and accordingly has not qualified for benefits thereunder, but has become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security.

(2) Residency. The applicant qualifying under subsection (c)(1) has been a resident of the town for a period of not less than four years.

(3) Delinquency. Neither the applicant nor his or her spouse owes delinquent sewer use charges, property taxes, or benefit assessment taxes of any kind to the Town of Groton.

(4) Maximum Income Limits. Any applicant who meets the eligibility criteria set forth in subsections (c)(1), (2) and (3) above shall be eligible for the real property tax deferral, provided such applicant's qualifying income for the calendar year prior to application does not exceed the applicable maximum amount set forth below.

Years of Residence	Single	Married
4-11	\$32,800	\$40,000
12+	\$50,840	\$62,000

(d) Application for benefits.

(1) Tax relief under this ordinance shall be available for the tax year beginning July 1, 2009 and for all succeeding years.

(2) Applications for benefits under this ordinance shall be filed annually with the assessor during the period from February 1 to May 15.

(3) The tax collector and assessor shall prescribe, with regard to their respective duties under this ordinance, such forms and procedures as may be necessary to implement this section. All applicants must submit a federal income tax return for the calendar year prior to the date of application. The Assessor, in addition, shall satisfy himself or herself as to the qualifying income of any applicant for benefits under this article by requesting and reviewing such other evidence of qualifying income as he or she may reasonably deem pertinent. Applicants who were not required to file a federal Income Tax return for the qualifying year preceding their application for tax relief must submit equivalent evidence of income for the approval of the Town Assessor.

If there has been a change to such applicant's qualifying income that affects eligibility for the benefit provided under this ordinance, the applicant must notify the Assessor of the changed circumstances as soon as practicable. All applications, federal income tax returns filed therewith and any additional evidence of qualifying income which the assessor may require shall be treated as given in confidence and shall not be open to public inspection.

(e) Tax benefits for eligible taxpayers. The real property tax relief provided under this section shall be in addition to State of Connecticut tax benefits under C.G.S. § 12-129b to 12-129d, inclusive, or 12-170aa. No property tax relief received by a taxpayer under any Town tax relief programs shall exceed in the aggregate the total amount of tax which would otherwise be laid against the taxpayer.

(f) Proration of tax deferral. The property tax deferral provided for by this ordinance may, in any case where title to real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, be prorated to reflect the fractional share of such taxpayer or spouse, or, if such property is a multiple-family dwelling, such relief or deferral may be prorated to reflect the portion of such property occupied by taxpayer.

(g) Forfeiture of and limitations upon benefits.

(1) Any ordinance beneficiary who is later found to be ineligible after filing a false affidavit or presenting materially false information on the application for benefits will be liable to reimburse the town for all benefits received. The amounts to be reimbursed will be treated as unpaid taxes from the date the taxes would have been due except for the benefits provided under this section, and will be subject to interest and penalties as prescribed by law.

(2) In any tax year in which a terminating transfer of qualified property occurs, benefits under this section shall end as of the date of transfer. The assessor shall compute the tax liability for the property to the end of the tax year without the benefits provided under this ordinance and the tax collector shall bill the property's new owner for the additional tax liability resulting from the loss of benefits under this section.

(3) Total tax benefits granted under this ordinance in any tax year shall be limited to 0.5% of the total adopted budget in such municipality in the preceding tax year.

(4) The year to year accumulated/total amount of tax relief granted under this program may not exceed 5.0% of the prior year adopted budget.

(h) Reimbursement and Liens.

(1) The Town shall have a lien on the qualified property in the amount of the relief granted under this section with any such lien having priority in the settlement of such ordinance beneficiary's estate. The total accumulated tax and interest will be due to the Town upon a terminating transfer or upon the death of the ordinance beneficiary. However, as set forth in (c)(1)(B), a surviving spouse over the age of sixty (60), having taken over ownership of the property and meeting the other qualifications, may continue in the deferment.

(2) Interest at the Wall Street Journal prime rate applicable to May 15th of the year of application (the closing date for applications for tax relief under this ordinance) minus 1% shall be charged as simple interest applied to the total accumulated tax deferred each year for each parcel affected by operation of this ordinance. The interest rate charged shall never be less than 0%.

(i) Amendment. After the effective date of this ordinance, the plan for property tax relief contained herein may be amended by resolution of the Town Council.

(j) Appeals. Any person aggrieved by the decision of the tax assessor with respect to the benefits provided under this section may appeal to the Town Council within thirty (30) days of such adverse decision.

Heard at Public Hearing

The Town Manager gave a brief summary of this Ordinance which will provide property tax relief for qualifying elderly.

Sally Whitney, 52 Division Street, stated for the record that she works for the Town of Groton in the Town Clerk's office. She believes in the Ordinance in theory, but it still must be financed by someone; and that someone is other Town residents. This Ordinance will adversely affect single head-of-households as well as others who are being squeezed by the current financial crisis. Ms. Whitney noted that this new tax relief can be piggybacked with other state and local programs for which individuals may qualify, and thinks it unwise to approve another local ordinance in addition to the veterans' ordinance already in place. She added that the timing of the projects that add to Town's debt service (i.e., the school building projects, the animal shelter, and the Senior Center) is already having a big impact on every property tax bill, and Ms. Whitney implored the Council not to pass this Ordinance as it will place a further burden on taxpayers.

There being no further comments, Mayor Watson closed the Public Hearing at 7:37 p.m.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Sally Whitney, 52 Division Street, applauds the Council and the RTM on their steps in discussing the budget in preparation for next year. Having worked for the Town since March 1983, Ms. Whitney informed the Council and residents that unions have made concessions in the past. She

stated that GMEA-CILU members are currently paying 12% of their health care premium costs compared to non-union employees who pay 8%, with both union and non-union having co-pays on doctor visits. She would like to see management and non-union lead by example and offer concessions first. Ms. Whitney also urged the Council to consider what layoffs would mean to the Town; less work done, less customer service, increased employee burnout, and possible adverse affects to employee safety and health. She cautions the Council to take care in deciding what is necessary and what reductions the Town could make.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

VI. CONSENT CALENDAR

a. Approval of Minutes

2008-0283 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of November 5, 2008 and November 18, 2008 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Administrative Items

2008-0288 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Susan Decorte - \$249.86 - Parks and Recreation Revolving
Various Donations - \$58.47 - Groton Utilities Energy Assistance Program
Anonymous - \$15.00 - Social Services Discretionary
Anonymous - \$15.00 - Social Services Discretionary
Marilyn Baird - \$150.00 - Social Services Discretionary
William Beaman - \$25.00 - Social Services Discretionary
Roger and Sidney Gross - \$100.00 - Social Services Discretionary
George Marshall - \$200.00 - Social Services Discretionary
Mystic AARP - \$50.00 - Social Services Discretionary
Glen and Richard Ross - \$20.00 - Social Services Discretionary
Albert Rudolph - \$75.00 - Social Services Discretionary
Pfizer United Way Campaign - \$50.00 - Library Discretionary
Alfred H. Gildersleeve, Jr. - \$100.00 - Library Discretionary
Mike and Gerda Abraham - \$50.00 - Maritime Academy Miscellaneous

This Matter was Adopted on the Consent Calendar.

c. Deletions from the Town Council Referral List

2008-0267 Representation on Outside Agencies

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2008-0289 2009 Prescription for Better Health and Wellness Award Application

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2008-0291 RTM Reapportionment

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2008-0293 Supplemental Agreement for Design of Mystic Streetscape Utility Relocation Project

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2008-0295 Appointments to Task Force on Climate Change and Sustainable Community

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

Passed The Consent Calendar

A motion was made by Councilor Streeter, seconded by Councilor Kolnaski, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.

The motion carried unanimously

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Mayor Watson, along with a majority of the other Councilors, attended a joint Board of Education/Town Council meeting and a Special Budget Meeting. He, along with Councilor Monteiro, distributed food baskets at Human Services on November 21.

Councilor Sheets received two calls regarding the property tax relief ordinance, and another call from an individual interested in the Task Force on Climate Control and Sustainable Community.

Councilor Monteiro attended a New London Ledge Lighthouse Foundation meeting. She received an email that was a scam, but looked very official. Councilor Monteiro forwarded it to the Chief of Police.

Councilor Brown-Tracy thanked Groton Utilities for getting the electricity back on so quickly this weekend when the power was out.

Councilor Kolnaski attended a Phase II School Design Committee meeting.

b. Clerk of the Representative Town Meeting

The Town Clerk stated that the RTM will meet on Wednesday, December 17, 2008, in Community Room I of the Town Hall Annex.

c. Clerk of the Council

The Town Clerk reported that her staff just completed a project to scan the Armed Forces Discharges into the Resolution database. This is a great advantage as data can now be retrieved at a desk without looking through the large, bulky volumes. The Armed Forces Discharge books can now be stored offsite.

d. Town Manager

The Town Manager stated that there will be a Special Town Council meeting on Saturday, December 6, 2008, and an RTM Ad Hoc Budget Committee meeting on Wednesday, December 3, 2008, to discuss the budget. He thanked Doug Ackerman and all others who volunteered their time during the United Way Campaign. Mr. Oefinger also noted that there will be a federal project for economic stimulus, and his staff has developed a list of possible projects to be considered. The Town Manager announced that over 500 Thanksgiving dinners were distributed to needy families in the community. The next distribution for the holiday season is scheduled for December 19, 2008.

Lee Vincent expressed his thanks to the Lions Club for setting a great example. The Mystic/Groton Lions Club has approved a donation to Groton Social Services for several thousand dollars for the upcoming holiday season.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Brown-Tracy

No meeting, no report.

b. Economic Development - Chairman Bond

No meeting, no report.

c. Education/Health & Social Services - Chairman Kolnaski

No meeting, no report.

d. Environment/Energy - Chairman Sheets

No meeting, no report.

e. Finance - Chairman Schmidt

No meeting, no report.

f. Personnel/Appointments/Rules - Chairman O'Beirne

Councilor Sheets stated that the Personnel/Appointments/Rules Committee discussed appointments that are on the agenda tonight.

g. Public Safety - Chairman Streeter

No meeting, no report.

h. Public Works/Recreation - Chairman Monteiro

No meeting, no report.

i. Committee of the Whole - Mayor Watson

The Committee of the Whole had a special meeting regarding the budget and a joint Board of Education/Town Council meeting. At the regularly scheduled meeting they discussed a grant, RTM reapportionment, and the Mystic Streetscape project.

IX. UNFINISHED BUSINESS

The Town Manager was asked to compile a comparison of amounts received by Social Services in 2007 and 2008.

X. NEW BUSINESS**2008-0267 Representation on Outside Agencies****REPRESENTATION ON OUTSIDE AGENCIES**

WHEREAS, the Town of Groton makes contributions to outside cultural and social service agencies, and

WHEREAS, Section 8.10 of the Town Charter requires that each organization have at least one board member who has been nominated by the Town Council, now therefore be it

RESOLVED, that Natalie Billing, 15 Ashby Street, Mystic, is approved for Fiscal Year 2009 for MASH, Mystic Area Shelter and Hospitality.

A motion was made by Councilor Streeter, seconded by Councilor Schmidt, that this matter be Adopted.

Mr. Vincent commented that Representation on Outside Agencies was mandated by the Charter, and when the newly approved Charter becomes effective on January 3, 2009 this will no longer be required.

The motion carried unanimously

2008-0289 2009 Prescription for Better Health and Wellness Award Application**RESOLUTION AUTHORIZING AN APPLICATION FOR THE BETTER HEALTH AND WELLNESS AWARD**

WHEREAS, the National Council on Aging and CVS Pharmacies manage an annual awards program that grants prizes of \$1,000 for exemplary health and wellness programs that are provided

by senior centers, and

WHEREAS, Groton Senior Center's Phase III Cardiac Rehabilitation program provides both supervised group exercises and equipment for individual exercises that have improved the quality of life of numerous participants, now therefore be it

RESOLVED, that Town Manager Mark R. Oefinger or his designee may apply for a 2009 Better Health and Wellness award of \$1,000.

A motion was made by Councilor Schmidt, seconded by Councilor Kolnaski, that this matter be Adopted.

The motion carried unanimously

2008-0291

RTM Reapportionment

RESOLUTION APPROVING COMPUTATION OF REPRESENTATIVE TOWN MEETING MEMBERSHIP

WHEREAS, Sections 3.2.1 and 3.2.2 of the Town Charter require the Town Clerk to determine within thirty days after each presidential election the representation by voting district proportional to the number of electors residing in such district, and

WHEREAS, at the November 2008 election, the following districts and number of electors in each district is as follows, and therefore, by computation, the number of representatives for each district is as follows,

DISTRICT	NUMBER OF ELECTORS	NUMBER OF REPRESENTATIVES
1	1,881	4
2	2,121	4
3	2,863	6
4	1,027	2
5	3,293	7
6	2,728	5
7	3,496	7
8	3,071	6
Total: 20,480		Total: 41

Now therefore be it

RESOLVED, that the above membership representation is hereby approved, effective for the Town of Groton's November 2009 municipal election.

A motion was made by Councilor Bond, seconded by Councilor Kolnaski, that this matter be Adopted.

The Town Clerk stated that the totals and number of representatives in each voting district have not changed.

The motion carried unanimously

2008-0293

Supplemental Agreement for Design of Mystic Streetscape Utility Relocation Project

RESOLUTION AUTHORIZING A SECOND SUPPLEMENTAL AGREEMENT TO THE ORIGINAL AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE TOWN OF GROTON FOR THE DEVELOPMENT OF CONTRACT PLANS, SPECIFICATIONS, AND ESTIMATES FOR THE UTILITY RELOCATION PROJECT UTILIZING FEDERAL FUNDS FROM THE TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM

WHEREAS, the Town of Groton has requested that design activities be undertaken in conjunction

with the Utility Relocation Project and will utilize federal funds from the Transportation and Community and System Preservation Pilot Program for design and construction of said Utility Relocation improvements under the Transportation Equity Act of the 21st Century of 1998, and

WHEREAS, the State and Municipality executed an Agreement No. 6.27-03(02) entitled "Agreement Between the State of Connecticut and the Town of Groton for the Development of Contract Plans, Specifications and Estimates for Utility Relocation Project utilizing Federal Funds from the Transportation and Community and System Preservation Pilot Program", dated November 25, 2002, and a First Supplemental Agreement No. 5.19-04(05), dated June 27, 2006, hereinafter collectively referred to as the Original Agreement, and

WHEREAS, said improvements include, but are not limited to relocation of overhead utilities and additional construction phase engineering services, and

WHEREAS, the Second Supplemental Agreement will provide additional Transportation and Community and System Pilot Program funds under State Project No. 58-294 and Federal aid Project No. TCSP-TCSP (5), now therefore be it

RESOLVED, that Mark R. Oefinger, Town Manager, be, and hereby is, authorized to sign the second supplemental agreement entitled "Second Supplemental Agreement to the Original Agreement Dated November 25, 2002 Between the State of Connecticut and the Town of Groton for the Development of Contract Plans, Specifications, and Estimates for the Utility Relocation Project Utilizing Federal Funds from the Transportation and Community and System Preservation Pilot Program."

A motion was made by Councilor Monteiro, seconded by Councilor Schmidt, that this matter be Adopted.

The motion carried unanimously

2008-0295

Appointments to Task Force on Climate Change and Sustainable Community

RESOLUTION APPOINTING MEMBERS OF THE TASK FORCE ON CLIMATE CHANGE AND SUSTAINABLE COMMUNITY

RESOLVED, the following persons are appointed to Groton's Task Force on Climate Change and Sustainable Community, for a term ending 12/2/2010:

William S. Glazier, 30 Ice House Lane, Mystic
Susan P. Baird, 120 Ledge Land Drive., Mystic
Neil Mackillop, 173 Montauk Avenue, Stonington
Mathew Jadamec, 177 Seneca Drive, Noank
Syma A. Ebbin, 51 Jupiter Point Road
Van M. Brown, 925 River Road, Mystic
Gerald Robinson, 231 Neptune Drive
Mariellen V. French, 12 Little Gull Lane, Mystic
Edgar Z. V. "Zell" Steever, 81 Main Street, Noank

As alternates:

Paulann H. Sheets, 87 Neptune Drive
Edith R. Fairgrieve, 8 Rowland Street, Mystic
Robert E. Peruzzotti, 83 Lapstrake Court, Mystic

A motion was made by Councilor Sheets, seconded by Councilor Kolnaski, that this matter be Adopted as Amended.

MOTION TO AMEND the Resolution to include Robert Peruzzotti as an alternate member of the Task Force on Climate Change and Sustainable Community was made by Councilor Sheets, seconded by Councilor Kolnaski.

VOTE on MOTION TO AMEND passed unanimously.

The motion carried unanimously

The Town Clerk swore in Messrs. Glazier, Jadamec, Robinson, and Steever as members of the Task Force on Climate Change and Sustainable Community.

XI. OTHER BUSINESS

Councilor Streeter reminded citizens that the Holiday Lights Parade will be on Saturday, December 6, 2008, at 5:00 p.m.

XII. ADJOURNMENT

A motion to adjourn at 8:08 p.m. was made by Councilor Schmidt, seconded by Councilor Bond and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant